IN RE: PETITION FOR ZONING VARIANCE 240! from the c/l of Old Harford Road (Lot 6) (12 Blessing Court) 11th Election District 6th Councilmanic District

\* DEPUTY ZONING COMMISSIONER

\* OF BALTIMORE COUNTY \* Case No. 90-486-A

James N. Chaconas, et ux Petitioners \* \* \* \* \* \* \* \* \*

## FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance to permit a rear yard property line setback of 1 foot in lieu of the required 11.25 feet for an open projection (deck) and an amendment to the Final Development Plan of "Arrows Glen", in accordance with Petitioner's Exhibit 1.

The Petitioners, by James Chaconas, appeared and testified. There were no Protestants.

Testimony indicated that the subject property, known as 12 Blessing Court, consists of 5,047.07 sq.ft. zoned D.R. 5.5 and is improved with a single family dwelling which has been Petitioners' residence for the past two years. Petitioners are desirous of constructing an open deck on the rear of the existing dwelling. Due to the layout of the dwelling and its location on the lot, the proposed deck cannot be constructed without the requested variances. Mr. Chaconas testified he has spoken to his neighbors who have no objections to the proposed deck. Testimony indicated the relief requested will not result in any detriment to the health, safety or general welfare of the community.

Based upon the testimony and evidence presented at the hearing, all of which was uncontradicted, in the cpinion of the Deputy Zoning Commissioner the relief requested sufficiently complies with the requirements of Section 307 of the Baltimore County Zoning Regulations (B.C.Z.R.)

and, therefore, should be granted. There is no evidence in the record that the subject variance would adversely affect the health, safety, and/or general welfare of the public. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioner.

Pursuant to the advertisement, posting of the property, and public hearing on this Petition held, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Deputy Zoning Commissioner for Baltimore County this Will day of June, 1990 that the Petition for Zoning Variance to permit a rear yard property line setback of 1 foot in lieu of the required 11.25 feet for an open projection (deck) and an amendment to the Final Development Plan of "Arrows Glen", in accordance with Petitioner's Exhibit 1, be and is hereby GRANTED, subject, however, to the following restriction:

> 1) The Fetitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30-day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

> > - Mustonia ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

Towson, Maryland 21204 (301) 887-3353 J. Robert Haines

Baltimore County

Zoning Commissioner

Office of Planning & Zoning

June 20, 1990

Mr. & Mrs. James N. Chaconas 12 Blessing Court Baltimore, Maryland 21234

RE: PETITION FOR ZONING VARIANCE 240' from the c/l of Old Harford Road (Lot 6) (12 Blessing Court) 11th Election District - 6th Councilmanic District James N. Chaconas, et ux - Petitioners

Dear Mr. & Mrs. Chaconas:

Case No. 90-486-A

Enclosed please find a copy of the decision rendered in the above-captioned matter. The Petition for Zoning Variance has been granted in accordance with the attached Order.

In the event any party finds the decision rendered is unfavorable, any party may file an appeal to the County Board of Appeals within thirty (30) days of the date of this Order. For further information on filing an appeal, please contact Ms. Charlotte Radcliffe at 887-3391.

Very truly yours,

Q Mashania ANN M. NASTAROWICZ Deputy Zoning Commissioner for Baltimore County

cc: People's Counsel

File

90-486-A

<u>HARDSHIPS</u> Second level kitchen eating area has a glass sliding door, designed for entry onto a wooden deck. (One of the builder's options, see Exhibit A attached hereto.)

A future profitable sale of home is almost impossible without a deck because of the design and the way the house is situated on the property, leaving a glass sliding door to

All surrounding neighbors have decks to enjoy during fair weather for outdoor activities, except us.

Upon contracting a contractor to build a deck, it was discovered a variance was needed. Consequently, a delay in construction will probably result in higher building material costs, and perhaps, labor costs since warm weather offers select high paying construction jobs.

Our anticipated back exit cannot be accomplished without a deck. The only exit other than the front door is a basement level back door.

PRACTICAL DIFFICULTY

90-486-A If the variance is not granted, the aforementioned hardships will create a stressful burden in living in this house.

A relaxation on the variance will not impact on the district or property owners because we are seeking only what they have already.

If relief is granted, the spirit of the ordinance will not jeopardize public safety and the welfare of the neighborhood.

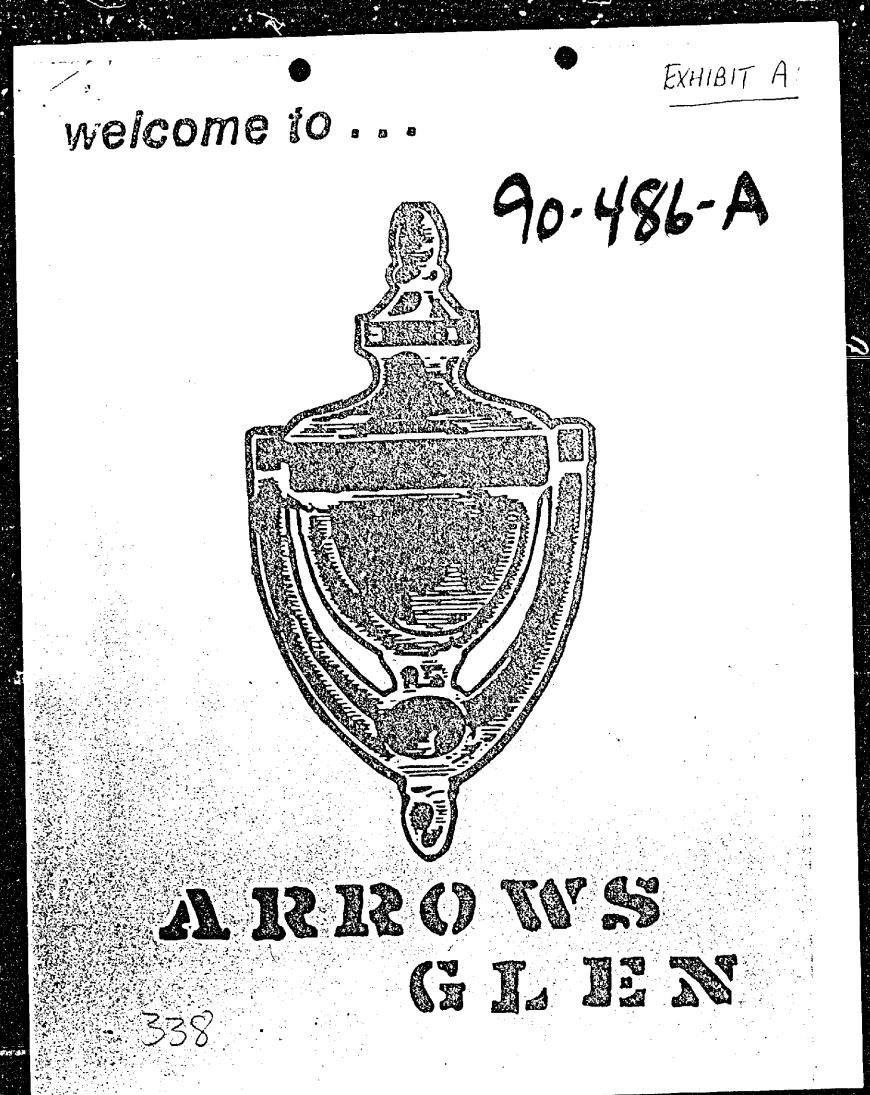
EXHIBIT B. 1 NOTE: NOT TO BE USED TO ESTABLISH LOT LINES! 90-486-A
BLESSING(SO) COVET PLAT OF LOCATION SURVEY LOT G, "NEVEN'S GLEN" ELECTION DISTRICT I EALTIMORE COUNTY, MD 15' DOLAINAGE AND UTILITY EASEMENT 5,047.075.F. M/L NO2"38"01" W HOUSE NO. 12 BLESSING COURT NO PORTION OF THIS LOT IS LOCAT.
WITHIN A 100 YEAR FLOOD PLAIN. CERTIFICATION "THIS PLAT SHOWS THAT (1) THE IMPROVEMENTS APE LOCATED AS INDICATED WITHIN OR ON THE PERIMETER OF THE PROPERTY. (2) THERE ARE NO ENCROACHMENTS OF EXISTING IMPROVEMENTS LOCATED ON SAID LAND ONTO ANY EASEMENT THEREUN NOR ONTO ANY ADJOINING LAND AND (3) THERE ARE NO ENCROACHMENTS ONTO SAID LAND OF EXISTING IMPROVEMENTS LOCATED ON ADJOINING LAND." EDWIN J KIRBY & ASSOC.
PROFESSIONAL LAND SURVEYORS 800 GREENSPRING VALLEY ROAD LUTHERVILLE, MD. 21053 301-337-7942 SCALE: M=30'

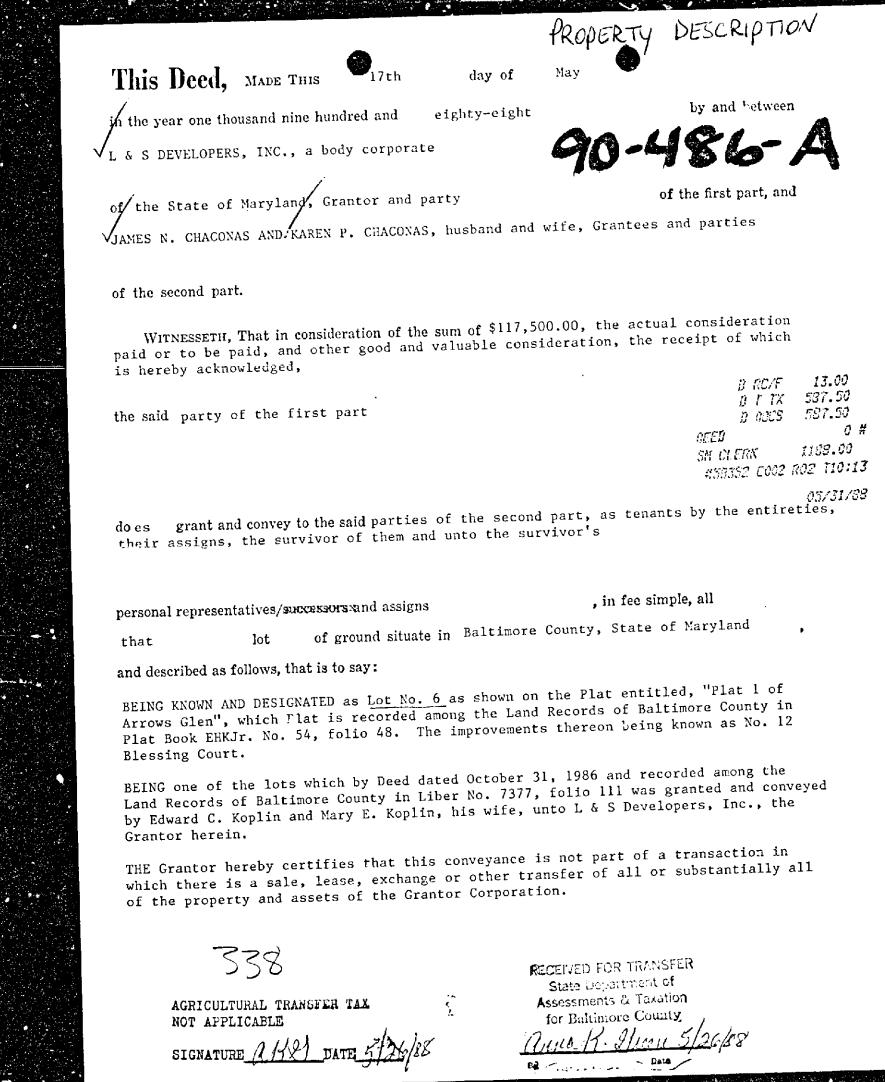
PETITION FOR ZONING VARIANCE TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY: The undersigned, legal owner(s) of the property situate in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, hereby petition for a Variance from Section 301.1 & 504.1 (C.M.D.P.), B.6b. To allow 1 foot in lieu of 11.25 feet to property line for an open projection (deck) AND Amendment to the Final Development Plan of "Arrows Glen", Plat 1, Lot 6, Blessing Court. of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County; for the following reasons: (indicate hardship or practical difficulty) SEE ATTACHED: HARDSHIPS PRACTICAL DIFFICULTIES EXHIBIT A - BUILDER'S OPTIONS EXHIBIT B.I - SURVEYOR'S PLAT EXHIBIT B.2 - UNVERIFIED SURVEYOR'S PLAT ---11711 Property is to be posted and advertised as prescribed by Zoning Regulations. I, or we, agree to pay expenses of above Variance advertising, posting, etc., upon filing of this, petition, and further agree to and are to be bound by the zoning regulations and restrictions to Baltimore County adopted pursuant to the Zoning Law For Baltimore County. I/We do solemnly declare and affirm; under the penalties of perjury, that I/weare the legal owner(s) of the property which is the subject of this Petition. Contract Purchaser: Legal Owner(s): FAMES N. CHACONASI (Type or Print Name) (Type or Print Name)/ Signature RAREN P. CHACONAS (Type or Print Name) . Chaconas Karen P City and State Attorney for Petitioner: B-385-4060 (Type or Print Name) Name, address and phone number of legal owner, contract purchaser or representative to be contacted ORDERED By The Zoning Commissioner of Baltimore County, this \_\_\_\_25 f 1990, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that property be posted, and that the public hearing be had before the Zoning Commissioner of Baltimore County in Room 106, County Office Building in Towson, Baltimore ounty, on the 19th day of Sune. Zoning Commissioner of Baltimore County EXHIBIT B.2 NOTE: NOT TO BE USED TO ESTABLISH LOT LINES

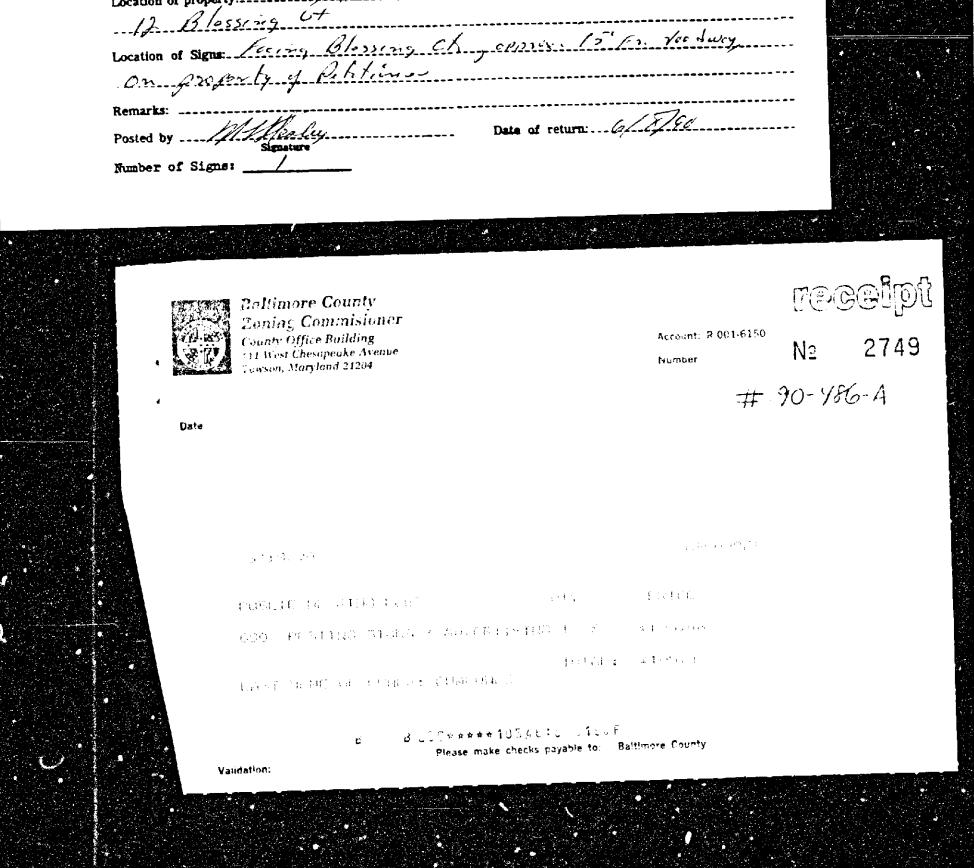
REVISED PLANS

0-486-A FLAT OF LOCATION SURVEY LOT G, "ACCOMS GLEN" SHAD ELECTION DISTRICT I BALTIMORE COUNTY, MD 15 DEAINAGE AND UTILITY EASEMENT 5,047.075.F. 4/2 NO2º38'01"W HOUSE No. 12 BLESSING COURT NO PORTION OF THIS LOT IS LOCA WITHIN A 100 YEAR FLOOD PLAIN. "THIS PLAT SHOWS THAT (1) THE IMPROVEMENTS APE LOCATED AS INDICATED WITHIN OR ON THE PERIMETER OF THE PROPERTY. (2) THERE ARE NO ENCROACHMENTS OF EXISTING IMPROVEMENTS LOCATED ON SAID LAND ONTO ANY EASEMENT THEREUN NOR ONTO ANY ADJOINING LAND AND (3) THERE ARE NO ENCROACHMENTS ONTO SAID LAND OF. EDWIN J KIRBY & ASSOC. PROFESSIONAL LAND SURVEYORS BOO GREENSPRING VALLEY ROAD LUTHERVILLE, MD. 21093 301-337-7942

CROACHMENTS ONTO SAID LAND OF.
EXISTING IMPROVEMENTS LOCATED
ON ADJOINING LAND."







CERTIFICATE OF POSTING

Petitioner: Jomes N. Charanes, et av

Location of property: 10/16, 240' Fr. old Hor Ford Rd

ZONING DEPARTMENT OF BALTIMORE COUNTY 90-1126- A

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

J. Robert Haines Zoning Commissioner

DATE 6-6-90

Dennis F. Rasmussen County Executive

Mr. & Mrs. James N. Chaconas 12 Blessing Court Baltimore, Maryland 21234

Re: Petition for Zoning Variance CASE NUMBER: 90-486-A Lot #6, 240' from c/l of Old Harford Road 12 Blessing Court 11th Election District - 6th Councilmanic Petitioner(s): James N. Chaconas, et ux HEARING: TUESDAY, JUNE 19, 1990 at 2:00 p.m.

Dear Petitioners:

Please be advised that  $\frac{105.16}{100}$  is due for advertising and posting of the above captioned property.

THIS FEE MUST BE PAID AND THE ZONING SIGN & POST SET(S) RETURNED ON THE DAY OF THE HEARING OR THE ORDER SHALL NOT ISSUE.

DO NOT REMOVE THE SIGN & POST SET(S) FROM THE PROPERTY UNTIL THE DAY OF THE HEARING.

Please make your check payable to daltimore County, Maryland. Bring the check and the sign & post set(s) to the Zoning Office, County Office Building, 111 W. Chesapeake Avenue, Room 113, Yowson, Maryland fifteen (15) minutes before your hearing is scheduled to begin.

Be advised that should you fail to return the sign & post set(s), there will be an additional \$50.00 added to the above amount for each such set

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353

> J. Robert Haines Zoning Commissioner

June 6, 1990

Mr. & Mrs. James N. Chaconas 12 Blessing Court Baltimore, MD 21234

Dennis F. Rasmussen

RE: Item No. 338, Case No. 90-486-A Petitioner: James N. Chaconas, et ux Petition for Zoning Variance

Dear Mr. & Mrs. Chaconas:

The Zoning Plans Advisory Committee has reviewed the plans submitted with the above referenced petition. The following comments are not intended to indicate the appropriateness of the zoning action requested, but to assure that all parties are made aware of plans or problems with regard to the development plans that may have a bearing on this case. Director of Planning may file a written report with the Zoning Commissioner with recommendations as to the suitability of the requested zoning.

Enclosed are all comments submitted from the members of the Committee at this time that offer or request information on your petition. If similar comments from the remaining members are received, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

IT WOULD BE APPRECIATED IF YOU WOULD RETURN YOUR WRITTEN COMMENTS TO MY OFFICE, ATTENTION JULIE WINIARSKI. IF YOU HAVE ANY QUESTIONS REGARDING THIS, PLEASE CONTACT HER AT 887-3391.

Zoning Plans Advisory Committee

Enclosures

Baltimore County Zoning Commissioner Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

Dennis F. Rasmussen

Your petition has been received and accepted for filing this 25th day of April, 1990.

J. ROBERT HAINES

ZONING COMMISSIONER

The Zoning Commissioner of open projection (deck): AND The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building, located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance Case number: 90-486-A Lot #6, 240' from c/l of Old Harlord Road

date of the hearing set above of

presented at the hearing.

Harlord Road
12 Blessing Court
11th Election District
6th Councilmanic
Petitioner(s):
James N. Chacones, et ux

7.

CERTIFICATE OF PUBLICATION

THIS IS TO CERTIFY, that the annexed advertisement was published in the NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER, weekly newspapers published in Baltimore County, Md., once in each of 1 successive weeks, the first publication appearing May 24,19 90. J. ROBERT HAINES James N. Chaconas, et ux
Hearing Data: Tuesday,
June 19, 1990 at 2:00 p.m.

> NORTHEAST TIMES BOOSTER and the NORTHEAST TIMES REPORTER

5. Zehe Orlown

Baltimore County
Zoning Commissioner
Office of Planning & Zoning Towson, Maryland 21204 (301) 887-3353 J. Robert Haines Zoning Commissioner

Dennis F. Rasmussen

NOTICE OF HEARING

The Zoning Commissioner of Baltimore County, by authority of the Zoning Act and Regulations of Baltimore County will hold a public hearing on the property identified herein in Room 106 of the County Office Building located at 111 W. Chesapeake Avenue in Towson, Maryland 21204 as follows:

Petition for Zoning Variance CASE NUMBER: 90-486-A Lot #5, 240' from c/l of Old Harford Road 12 Blessing Court 11th Election District - 6th Councilmanic Petitioner(s): James N. Chaconas, et ux HEARING: TUESDAY, JUNE 19, 1990 at 2:00 p.m.

Variance: To allow 1 ft. in lieu of 11.25 ft. to property line for an open projection (deck); AND Amendment to the Final Development Plan of "Arrows Glen", Plat 1, Lot 6, Blessing Court.

In the event that this Petition is granted, a building permit may be issued within the thirty (30) day appeal period. The Zoning Commissioner will, however, entertain any request for a stay of the issuance of said permi during this period for good cause shown. Such request must be in writing and received in this office by the date of the hearing set above or presented at the hearing.

Petitioner: James N. Chaconas, et ux Petitioner's Attorney:

Zoning Plans Advisory Committee

BALTIMORE COUNTY, MARYLAND INTER-OFFICE CORRESPONDENCE

J. Robert Haines Zoning Commissioner DATE: May 10, 1990

Pat Keller, Deputy Director Office of Planning and Zoning

SUBJECT: James N. Chaconas, et ux, Item No. 338

The Petitioners request a Variance to rear yard setback requirements in order to construct a deck.

In reference to the Petitioners' request, staff offers no

If there should be any further questions or if this office can provide additional information, please contact Jeffrey Long in the Office of Planning at 887-3211.

PK/JL/cmm



Ronald B. Hickernell FIRST DISTRICT

> Melvin G. Mintz SECOND DISTRICT

Charles A. Ruppersberger, III THIRD DISTRICT

Barbara F. Bachur

Norman W. Lauenstein FIFTH DISTRICT

William R. Evans

SIXTH DISTRICT

Dale T. Volz

SEVENTH DISTRICT

Thomas Toporovich

Thomas J. Peddicord, Jr.

LEGISLATIVE COUNSEL

FOURTH DISTRICT

County Council of Baltimore County Court House, Cowson, Margland 21204

Fax (301) 887-5791

Mr. J. Robert Haines Zoning Commissioner County Office Building

Towson, Maryland 21204 Dear Mr. Haines:

Attached please find Resolution 19-90 concerning the public disclosure of James Chaconas, an employee of the Baltimore County Police Department.

This Resolution was unanimously approved by the County Council at their meeting on Monday, April 2, 1990 and is being forwarded to you for appropriate action.

Sincerely,

Thomas Toporcyich

Secretary V

Enclosure

cc: Mr. James Chaconas

CG. COUNCIL OF BALTIMORE COUNTY, CYLAND LEGISLATIVE SESSION 1990, LEGISLATIVE DAY NO. 7

MR. WILLIAM R. EVANS, COUNCILMAN

BY THE COUNTY COUNCIL, APRIL 2, 1990

A Resolution concerning the public disclosure of James Chaconas, an employee of the Baltimore County Police Department.

WHEREAS, James Chaconas is an employee of Baltimore County and resides at 12 Blessing Court, Baltimore, Maryland, 21234; and

WHEREAS, James Chaconas intends to construct a deck on his residence at Blessing Court and will file a Petition for Variance with the Zoning Commissioner in order to complete the project properly; and WHEREAS, this Resolution is intended to provide full disclosure

under Section 22-11(e) of the Baltimore County Code.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY COUNCIL OF BALTIMORE COUNTY, MARYLAND, that, based upon the information provided, such action or interest by Mr. James Chaconas does not contravene the public welfare.

Baltimore County
Department of Public Works
Bureau of Traffic Engineering
Courts Building, Suite 405
Towson, Maryland 21204
(301) 887-3554

May 24, 1990



The said of the sa

Mr. J. Robert Haines Zoning Commissioner County Office Building Towson, Maryland 21204

Dear Mr. Haines:

The Bureau of Traffic Engineering has no comments for items number 338, 343, 344, 345, 346, 347, 348, 349 and 350.

Very truly yours, Michael S. Flanigan Traffic Engineer Associate II

MSF/lvw

Baltimore County Department of Permits & Licenses 111 West Chesapeake Avenue Towson, Maryland 21204 (301) 887-3610 Ted Zaleski, Jr.

APRII, 13, 1990

Dennis F. Rasmussen

J. Robert Haines Zoning Commissioner Office of Planning and Zoning Baltimore County Office Building Towson, MD 21204

JAMES N. CHACONAS RE: Property Cwner: Location:

#12 BLESSING COURT

Zoning Agenda: APRIL 24, 1990 Item No.: 338

Gentlemen:

Pursuant to your request, the referenced property has been surveyed by this Bureau and the comments below are applicable and required to be corrected or incorporated into the final plans for the property.

5. The buildings and structures existing or proposed on the site shall comply with all applicable requirements of the National Fire Protection Association Standard No. 101 "Life Safety Code", 1988 edition prior to occupancy.

Fire Frevention Bureau Planning/Group Special Inspection Division

JK/KEK

· C Ray

BALTIMORE COUNTY, MARYLAND
INTESOFFICE CORRESPONDENCE

TO: Zining Advisory Committee DATE: May 14, 1990 PhOM: Robert W. Bowling, P.E.

FE: Zoning Advisory Committee Meeting for April 24, 1990

RWE:∈

The Developers Engineering Division has reviewed the subject coming items and we have no comments for Items 338, 343, 348, 348 and 350. For Item 347, the previous County Review Group Comments

For Items 344 and 349, a County Review Group Meeting is

For Item 045, Windzer Mill Boad shall be improved as a 40-foot paving section on a 60-foot right-of-way. Five (5) foot widening is required.

Developers Engineering Livis

CONSENT TO CONSTRUCTION

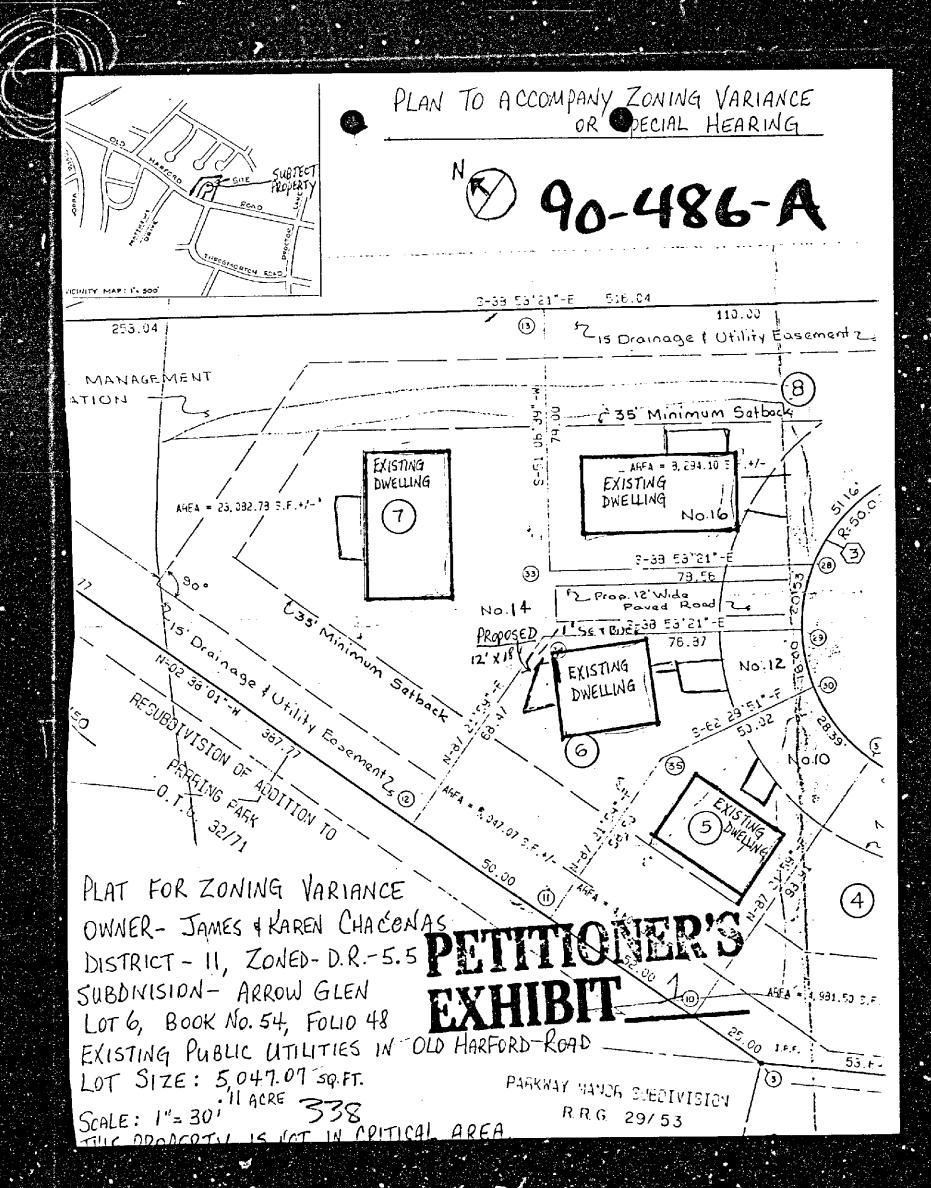
(In re: Building Variance for Wooden Deck)

90-486-A

The undersigned, residing at 20 Blessing Court, Baltimore, Maryland, has no objection to James and Karen Chaconas of 12 Blessing Court, Baltimore County, Maryland 21234, seeking and causing the construction of a wooden deck to be attached to the back of their home. The undersigned has knowledge that most of the homes in Blessing Court have wooden decks, including two of Mr. and Mrs. Chaconas' three immediate neighbors.

Dated: Maick 271990

Kris



kpc: 032399